

The Minnesota  
**State Register**

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# State Register

## Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

A *Contracts Supplement* is published Tuesday, Wednesday and Friday and contains bids and proposals for commodities, including printing bids.

### Printing Schedule and Submission Deadlines

Vol. 20 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
# 15	Monday 9 October	Monday 25 September	Monday 2 October
# 16	Monday 16 October	Monday 2 October	Monday 9 October
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# 18	Monday 30 October	Monday 16 October	Monday 24 October

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Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

#### SENATE

**Briefly-Preview**—Senate news and committee calendar; published weekly during legislative sessions.

**Perspectives**—Publication about the Senate.

**Session Review**—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office (612) 296-0504  
Room 231 State Capitol, St. Paul, MN 55155

#### HOUSE

**Session Weekly**—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions.

**This Week**—weekly interim bulletin of the House.

**Session Summary**—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office (612) 296-2146  
Room 175 State Office Building, St. Paul, MN 55155

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Individual awards can be obtained from the  
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# Minnesota Rules: Amendments and Additions

**NOTICE: How to Follow State Agency Rulemaking in the State Register**

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-657-3757.

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## Proposed Rules

Pursuant to Minn. Stat. §14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

## Department of Health

### Proposed Permanent Rules Relating to Emergency Medical Technician Certification Expiration Dates

#### Notice Of Intent To Adopt Rules Without A Public Hearing

**Introduction.** The Minnesota Department of Health intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You have 30 days to submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules.

**Agency Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to: Allen Erickson, Training Unit Supervisor, Minnesota Department of Health, EMS Section, P.O. Box 64975, St. Paul, MN 55164-0975, or fax them to (612) 282-3839. TDD users may call the Minnesota Department of Health at 612/623-5522.

**Subject Of Rules And Statutory Authority.** The proposed rules are about certification ending dates for EMTs, EMT-Intermediates, and EMT-Paramedics, and the timing of EMT refresher courses. The statutory authority to adopt the rules is *Minnesota Statutes*, 144.804, Subd. 1 which states: "No publicly or privately owned basic ambulance service shall be operated in the state unless its drivers and attendants possess a current emergency care course certificate authorized by rules adopted by the commissioner of health according to chapter 14." A copy of the proposed rules is published in the *State Register* and attached to this Notice as mailed. A free copy of the rules is available upon request from Allen Erickson at the address or telephone number listed above.

**Comments.** You have until 4:30 p.m., Thursday, November 9, 1995, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by Allen Erickson at the address listed above by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

**Request For A Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by Allen Erickson at the address listed above by 4:30 p.m. on November 9, 1995. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rules which caused your request, the reason for the request, and any changes you want made to the proposed rules. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the Department of Health will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Modifications.** The proposed rules may be modified as a result of public comment. The modifications must be supported by data and views submitted to the Department of Health and may not result in a substantial change in the proposed rules as attached and printed in the *State Register*. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Proposed Rules

**Statement Of Need And Reasonableness.** A Statement Of Need And Reasonableness is now available. This Statement describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules. A free copy of the Statement may be obtained from Allen Erickson at the address or telephone number listed above.

**Small Business Considerations.** In preparing these rules, the Department of Health has considered the requirements of *Minnesota Statutes*, section 14.115, in regard to the impact of the proposed rules on small businesses. The adoption of the rules may affect small businesses which provide ambulance transportation. The Department of Health believes that the requirements will result in a reduction of paperwork, by eliminating the need for an ambulance service to apply for a variance to have all EMT's on the same training schedule. The revised rules will also coordinate state and national agency certification dates. The Department of Health's evaluation of the applicability of the methods contained in *Minnesota Statutes*, section 14.115, subdivision 2, for reducing the impact of the proposed rules is addressed further in the Statement Of Need And Reasonableness.

**Expenditure Of Public Money By Local Public Bodies.** *Minnesota Statutes*, section 14.11, subdivision 1, does not apply because adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption of the rules.

**Impact On Agriculture Lands.** *Minnesota Statutes*, section 14.11, subdivision 2, does not apply because adoption of these rules will not have an impact on agricultural land.

**Departmental Charges.** *Minnesota Statutes*, section 16A.1285, subdivisions 4 and 5, do not apply because the rules do not establish or adjust departmental charges.

**Adoption And Review Of Rules.** If no hearing is required, after the end of the comment period the Department of Health may adopt the rules. The rules and supporting document will then be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rules are submitted to the Attorney General or be notified of the Attorney General's decision on the rules. If you wish to be so notified, or wish to receive a copy of the adopted rules, submit your request in writing to Allen Erickson at the address listed above.

Dated: 20 September 1995

Anne Barry, Commissioner  
Department of Health

### Rules as Proposed

#### 4690.4600 ISSUANCE OF CERTIFICATES.

[For text of subs 1 to 3, see M.R.]

**Subp. 4. Expiration of certificates.** ~~Certificates initially issued from January 1 to June 30, expire on December 31 of the following year. Certificates issued from July 1 to December 31 expire on December 31 of the second following year. All subsequent certificate renewal periods are for the full two-year period running from January 1 to December 31. An applicant who successfully completes initial testing shall be assigned an expiration date according to the following schedule:~~

A. for initial testing completed between January 1 and June 30 of an even year, the expiration date is March 31 of the next even year;

B. for initial testing completed between July 1 and December 31 of an even year, the expiration date is March 31 of the second odd year;

C. for initial testing completed between January 1 and June 30 of an odd year, the expiration date is March 31 of the next odd year;

D. for initial testing completed between July 1 and December 31 of an odd year, the expiration date is March 31 of the second even year; and

E. for certificates that are due to expire on December 31, 1995, or December 31, 1996, the expiration date is extended to March 31 of the following year.

[For text of subp 5, see M.R.]

**Subp. 6. Refresher course for renewal of certificate.** An applicant for renewal of the certificate must successfully complete an emergency care refresher course approved under part 4690.4700 and must pass approved written and practical examinations before the certificate expiration date. Evidence of completion of the requirements in part 4690.4800 must be submitted to the commissioner ~~within 90 days after before~~ the certification expiration date. ~~The emergency care refresher course must be taken during the second half of the certification period. No person may function as an emergency medical technician on a Minnesota ambulance service without evidence of current certification by the commissioner. An applicant may renew a lapsed registration certificate provided the applicant meets the following requirements:~~

A. within 12 months after the certificate expiration date, complete a refresher emergency care course and successfully complete written and practical skills examinations approved by the commissioner; or

B. if more than 12 months have passed since the certificate expiration date, complete an emergency care course and successfully complete written and practical skills examinations approved by the commissioner.

**4690.5900 ISSUANCE OF CERTIFICATES.**

[For text of subs 1 to 3, see M.R.]

Subp. 4. **Expiration of certificates.** Certificates initially issued from January 1 to June 30 expire on December 31 of the following year. Certificates initially issued from July 1 to December 31 will expire on December 31 of the second following year. All subsequent certificate renewal periods are for the full two-year period running from January 1 to December 31. An applicant who successfully completes initial testing shall be assigned an expiration date according to the following schedule:

A. for initial testing completed between January 1 and June 30 of an even year, the expiration date is March 31 of the next even year;

B. for initial testing completed between July 1 and December 31 of an even year, the expiration date is March 31 of the second odd year;

C. for initial testing completed between January 1 and June 30 of an odd year, the expiration date is March 31 of the next odd year;

D. for initial testing completed between July 1 and December 31 of an odd year, the expiration date is March 31 of the second even year; and

E. for certificates that are due to expire on December 31, 1995, or December 31, 1996, the expiration date is extended to March 31 of the following year.

[For text of sub 5, see M.R.]

Subp. 6. **Evidence of compliance.** Evidence of compliance with the requirements in subpart 5 must be completed by the applicant before the expiration date of the certificate.

**4690.7200 ISSUANCE OF CERTIFICATES.**

[For text of subs 1 to 3, see M.R.]

Subp. 4. **Expiration of certificates.** Certificates initially issued from January 1 to June 30 expire on December 31 of the following year. Certificates initially issued from July 1 to December 31, expire on December 31 of the second following year. All subsequent certification renewal periods are for the full two-year period running from January 1 to December 31. An applicant who successfully completes initial testing shall be assigned an expiration date according to the following schedule:

A. for initial testing completed between January 1 and June 30 of an even year, the expiration date is March 31 of the next even year;

B. for initial testing completed between July 1 and December 31 of an even year, the expiration date is March 31 of the second odd year;

C. for initial testing completed between January 1 and June 30 of an odd year, the expiration date is March 31 of the next odd year;

D. for initial testing completed between July 1 and December 31 of an odd year, the expiration date is March 31 of the second even year; and

E. for certificates that are due to expire on December 31, 1995, or December 31, 1996, the expiration date is extended to March 31 of the following year.

[For text of sub 5, see M.R.]

Subp. 6. **Evidence of compliance.** Evidence of compliance with the requirements in subpart 5 must be submitted by the applicant within 90 days after before the certificate expiration date.

**REPEALER.** Minnesota Rules, parts 4690.4600, subpart 4, item E; 4690.5900, subpart 4, item E; and 4690.7200, subpart 4, item E, are repealed effective January 1, 1997.

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Proposed Rules

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### Department of Public Safety

#### Proposed Permanent Rules Governing Vision Requirements for Driver's License Applicants

##### Dual Notice: Notice Of Intent to Adopt Rules Without A Public Hearing Unless 25 Or More Persons Request A Hearing, And Notice Of Hearing If 25 Or More Requests For Hearing Are Received

**Introduction.** The Minnesota Department of Public Safety intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on November 8, 1995, a public hearing will be held on December 12, 1995. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after November 8, 1995 and before December 12, 1995.

**Agency Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to: Joan Kopcinski, Department of Public Safety, Room 108 Transportation Building, 395 John Ireland Boulevard, St. Paul, MN 55155, by telephone at (612) 296-9753 or by fax at, (612) 282-2463.

**Subject Of Rules And Statutory Authority.** The Department has proposed amendments to *Minnesota Rules*, part 7410.2400 regarding vision requirements for driver's license applicants. Part 7410.2400 already contains vision requirements for visual acuity. The visual acuity requirements have not been substantially changed. The majority of the proposed amendments address the addition of visual field standards for driver's license applicants.

In developing the visual field standards, the Department has considered the vision rules of other states that conduct visual field screening, recent medical literature, the recommendation of the Low Vision Committee of the American Academy of Ophthalmology, and the recommendations of the Department's advisory task force. The visual field standards will be another tool that the Department will use in conjunction with visual acuity screening and written and road tests to determine the ability of an applicant to operate a motor vehicle safely.

The statutory authority to adopt the rule is *Minnesota Statutes*, section 299A.01, subdivision 6, and section 14.06. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. A free copy of the rules is available upon request from the agency contact person.

**Comments.** You have until 4:30 p.m., November 8, 1995, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

**Request For A Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on November 8, 1995. Your written request for a public hearing must include your name, address, and telephone number. You are encouraged to identify the portion of the proposed rules which caused your request, the reason for the request, and any changes you want made to the proposed rules. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing.

**Modifications.** The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rules as attached and printed in the *State Register* and must be supported by data and views submitted to the Department or presented at the hearing. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Cancellation Of Hearing.** The hearing scheduled for December 12, 1995, will be canceled if the Department does not receive requests from 25 or more persons that a hearing be held on the rules. If you request a public hearing, the Department will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person listed above at (612) 296-9753 after November 8, 1995, to find out whether the hearing will be held.

**Notice Of Hearing.** If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.14 to 14.20. The hearing will be held on December 12, 1995, in Conference Room D, 5th Floor Veterans Service Building, 20 West 12th Street, St. Paul, Minnesota 55155, beginning at 9:00 a.m. and will continue until all interested persons have been heard. The hearing will continue, if necessary, at additional times and places as determined during the hearing by the Administrative Law Judge. The Administrative Law Judge assigned to conduct the hearing is Howard L. Kaibel, Judge Kaibel can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, 100 Washington Avenue South, Minneapolis, Minnesota 55401-2138, telephone (612) 341-7608.

**Hearing Procedure.** If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rules. You may

also mail written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Comments received during this period will be available for review at the Office Of Administrative Hearings. You and the Department may respond in writing with rebuttal arguments or material within five business days after the submission period ends to any new information submitted after the hearing. All written materials and responses submitted to the Administrative Law Judge during the period must be received at the Office Of Administrative Hearings no later than 4:30 p.m. on the due date. No additional evidence may be submitted during the five-day period. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.0200 to 1400.1200, and *Minnesota Statutes*, sections 14.14 to 14.20. Questions about procedure may be directed to the administrative law judge.

**Statement Of Need And Reasonableness.** A Statement Of Need And Reasonableness is now available from the agency contact person. This Statement describes the need for and reasonableness of each provision of the proposed rules. It also includes a summary of all the evidence and argument which the Department anticipates presenting at the hearing, if one is held. A free copy of the Statement may be obtained from the agency contact person at the address and telephone number listed above. The Statement may also be reviewed and copies obtained at the cost of reproduction from the Office Of Administrative Hearings.

**Small Business Considerations.** In preparing these rules, the Department has considered the requirements of *Minnesota Statutes*, section 14.115, in regard to the impact of the proposed rules on small businesses. The adoption of the rules will not directly affect small businesses. Rather, the amendments affect the vision requirements for driver's license applicants who apply for a Minnesota driver's license.

**Expenditure Of Public Money By Local Public Bodies.** *Minnesota Statutes*, section 14.11, subdivision 1, does not apply because adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption of the rules.

**Impact On Agriculture Lands.** *Minnesota Statutes*, section 14.11, subdivision 2, does not apply because adoption of these rules will not have an impact on agricultural land.

**Departmental Charges.** *Minnesota Statutes*, section 16A.1285, subdivisions 4 and 5, do not apply because the rules do not establish or adjust departmental charges.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement should be directed to the Ethical Practices Board at First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (612) 296-5148 or 1-800-657-3889.

**Adoption Procedure If No Hearing.** If no hearing is required, after the end of the comment period the Department may adopt the rules. The rules and supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rules are submitted to the Attorney General or be notified of the Attorney General's decision on the rules. If you want to be so notified, or wish to receive a copy of the adopted rules, submit your request to the agency contact person at the address listed above.

**Adoption Procedure After A Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may request to be notified of the date on which the Administrative Law Judge's report will be available, after which date the Department may not take any final action on the rules for a period of five working days. If you want to be notified about the report, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. You may also request notification of the date on which the rules are adopted and filed with the Secretary of State. The Department's Notice Of Adoption must be mailed on the same day that the rules are filed. If you want to be notified of the adoption, you may so indicate at the hearing or send a request in writing to the agency contact person at any time prior to the filing of the rules with the Secretary of State.

Dated: 21 September

Michael S. Jordan, Commissioner  
Department of Public Safety

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

# Proposed Rules

## Rules as Proposed

### 7410.2400 VISION.

Subpart 1. **In general.** Every applicant shall submit to a vision screening or examination. ~~The screening device, designed to screen 20/40 or better corrected vision, shall be of a type accepted by the American Medical Association.~~ The purpose of the vision screening is:

A. to screen each applicant ~~applicants~~ to ~~guarantee ensure~~ that those individuals with ~~substandard insufficient~~ vision are required to take the necessary steps required to achieve the best vision possible; and

B. to deny driving privileges to those whose vision is likely to interfere with the safe operation of motor vehicles in traffic.

**Subp. 1a. Definitions.** The terms used in this part have the following meanings:

A. "Visual acuity" means acuteness or sharpness of vision.

B. "Visual field" means the area within which an object may be seen when the eye is fixed.

Subp. 2. ~~When corrective lenses not required~~ **Unrestricted/corrective lens restriction.** ~~Except as otherwise provided herein, no corrective lenses will be required when~~ The applicant, if otherwise eligible, will be considered for an unrestricted driver's license or a driver's license with a corrective lens restriction if the applicant meets the following visual standards:

A. ~~scores~~ visual acuity of 20/40 or better, with either one usable eye or with both eyes, with or without corrective lenses; and

B. ~~has one eye; but scores 20/40 or better, without corrective lenses; or~~

C. ~~has the recommendation of an eye specialist~~ visual field of 105 degrees or greater in the horizontal diameter with either one usable eye or with both eyes.

If the applicant needs corrective lenses to meet the visual acuity standards or if a licensed physician or an optometrist recommends that the applicant wear corrective lenses, the applicant must wear the corrective lenses while operating a motor vehicle.

If a licensed physician or an optometrist recommends that corrective lenses not be worn. In these cases, the commissioner shall either require the applicant to be examined further, or impose suitable restrictions, if applicable, upon the applicant's driving privileges or both.

Subp. 3. [See repealer.]

Subp. 4. **Vision examinations.** ~~Any An~~ applicant shall be required to submit a vision ~~report examination certificate~~ from a licensed physician or an optometrist in a form as prescribed by the commissioner when:

A. the applicant disagrees with the results of the screening ~~conducted by any driver examiner;~~

B. the applicant has cataracts;

C. ~~the driver examiner is unable to determine the extent of the applicant's vision cannot be determined;~~

~~D. C.~~ any court or police officer has recommended that the applicant's vision be examined;

~~E. D.~~ the commissioner determines, in some other situation, when the commissioner has good cause to believe that an examination is warranted;

F. the applicant has strabismus; or

G. ~~E.~~ the applicant has double vision;

E. the applicant's visual acuity is less than 20/40 with either one usable eye or with both eyes, with or without corrective lenses; or

G. the applicant's visual field is less than 105 degrees in the horizontal diameter with either one usable eye or with both eyes.

An applicant's vision examination must have been conducted within six months of completion of the vision examination certificate.

Subp. 5. ~~Vision Restricted licenses license; vision requirements.~~ Applicants who score 20/50 or less corrected vision with either one usable eye or with two eyes shall, if otherwise eligible, and subject to subpart 5a, an applicant will be issued a restricted license to permit driving subject to the following restrictions: ~~drive if the applicant has:~~

A. visual acuity of 20/50 or less corrected vision with either one usable eye or with both eyes; or

B. visual field of less than 105 degrees in the horizontal diameter with either one usable eye or with both eyes.

Subp. 5a. Restricted license; driving restrictions. An applicant eligible for a restricted license under subpart 5 shall comply with the applicable restrictions on driving described in items A to E.

**A. Speed restrictions.**

20/50	55 miles per hour
20/60	50 miles per hour
20/70	45 miles per hour

When the applicant scores 20/80 to 20/100 corrected vision, the application will be referred to the chief evaluator who shall determine whether a restricted license can be issued and the kinds of restrictions which are necessary to ensure that the applicant does not pose an unreasonable safety risk to the applicant personally or to others. When the applicant scores 20/100 or less corrected vision, or is known to be receiving assistance for the blind, all privileges shall be denied and any existing license canceled under authority of *Minnesota Statutes*, sections 171.14 and 171.04, clause (9).

B. Restriction as to type of road. Any An applicant subject to speed restrictions under item A may also be restricted to those roads having a maximum speed limit equal to the maximum speed limit imposed upon the applicant, if the commissioner determines that the restriction is necessary for the safety of the applicant and the public. ~~Any~~ A person limited to a maximum speed of 45 m.p.h. or less ~~shall be restricted~~ is prohibited from driving on any freeway, expressway, or limited access highway with that has a speed limit of more than 45 m.p.h.

C. Area restrictions. Any An applicant who scores with visual acuity of 20/50 or less corrected vision ~~with both eyes~~ may be restricted to driving within an area to be determined by the commissioner, if the commissioner determines that the restriction is necessary for the safety of the applicant and the public.

D. Daylight restriction. An applicant with visual acuity of 20/50 or less corrected vision may be restricted to daylight hours to be determined by the commissioner if the commissioner determines that the restriction is necessary for the safety of the applicant and the public.

E. Equipment restriction. An applicant with a visual field of less than 105 degrees in the horizontal diameter with either one usable eye or with both eyes must be restricted to driving with left and right outside rearview mirrors or restrictions in items A to E, if the commissioner determines that the restriction is necessary for the safety of the applicant and the public.

Subp. 6. Other situations. When the applicant's visual acuity is 20/80 or up to, but not including, 20/100 corrected vision, or when the applicant has any vision readings or problems not covered by the above general standards shall, the application will be referred to the chief evaluator driver evaluation unit, who shall determine whether a restricted license can be issued and the kinds of restrictions which that are necessary to ensure that the applicant does not pose an unreasonable safety risk to the applicant personally or to others.

Subp. 7. License denial/cancellation. An applicant's driver's license will be denied or an existing driver's license will be canceled under the authority of *Minnesota Statutes*, sections 171.04, subdivision 1, clause (9), 171.14, and 171.32, when:

A. the applicant has visual acuity of 20/100 or less corrected vision;

B. the applicant is known to be receiving assistance for the blind;

C. the applicant has visual field of less than 100 degrees in the horizontal diameter with either one usable eye or with both eyes;

D. the commissioner receives a recommendation from a licensed physician or optometrist that the applicant's driver's license should be canceled or denied; or

E. the applicant fails to submit a required vision examination certificate within the requested time period.

REPEALER. *Minnesota Rules*, part 7410.2400, subpart 3, is repealed.

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §§14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

## Peace Officer Standards and Training Board

### Adopted Permanent Rules Relating to Violations of Standards of Conduct and Disciplinary Actions for Violations of Administrative Rules

The rules proposed and published at *State Register*, Volume 19, Number 39, pages 2000-2003, March 27, 1995 (19 SR 2000), are adopted with the following modifications:

#### Rules as Adopted

#### 6700.0900 CONTINUING EDUCATION.

~~Subp. 18. **Deadly force training.** At least once during each calendar year, each actively licensed peace officer and part-time peace officer must complete the use of force and deadly force learning objectives, as set forth and approved by the board, for each agency employing the peace officer.~~

~~The chief law enforcement officer of each law enforcement agency shall maintain documentation which demonstrates that each peace officer or part-time peace officer employed by the agency has completed each of the learning objectives set forth in the board's learning objectives for use of force and deadly force.~~

#### 6700.1600 VIOLATION OF STANDARDS OF CONDUCT.

~~Violations Violation of any of the following standards of conduct by a licensee shall be constitutes grounds for ~~revocation, suspension, or nonrenewal of license~~ disciplinary action:~~

~~B. obtaining a license from the board by fraud or cheating, or attempting to subvert the examination process;~~

~~C. being convicted of an offense a felony or gross misdemeanor in this state, or in any other state or federal jurisdiction of an offense that would constitute a felony or gross misdemeanor if committed in Minnesota including a finding or verdict of guilt, whether or not the adjudication of guilt is withheld or not entered, an admission of guilt, or no contest plea of a felony or gross misdemeanor;~~

~~M. failing to cooperate with an investigation of the board as required by part 6700.1610, subpart 4;~~

~~P. being convicted of solicitation, inducement, or promotion of prostitution in violation of *Minnesota Statutes*, section 609.322, or any conviction under *Minnesota Statutes*, section 609.324, or being convicted of similar offenses in another state or federal jurisdiction.~~

#### 6700.1710 DISCIPLINARY ACTIONS FOR VIOLATIONS OF ADMINISTRATIVE RULES.

~~Subp. 2. **Grounds.** When grounds exist under any of the board's administrative rule regulatory provisions set forth in this chapter, the board may take one or more of the following disciplinary actions:~~

~~F. censure or reprimand the licensee; or,~~

~~G. take any other action justified by the facts of the case.~~

The Department of Revenue began issuing revenue notices in July of 1991. Revenue notices are statements of policy made by the department that provide interpretation, detail, or supplementary information concerning a particular statute, rule, or departmental practice. The authority to issue revenue notices is found in *Minnesota Statutes* §270.0604.

## Department of Revenue

### Revenue Notice #95-08: Sales and Use Tax: Gravel Sales

The sale of gravel is considered an improvement to real property if the sales contract requires the seller to deliver and spread the gravel in such a way that no further leveling is required by the purchaser. This includes situations where the gravel is leveled while being unloaded from the back of a moving truck without the use of any other equipment. If the gravel is merely dumped in a pile, or if the contract does not require the seller to level the gravel, the sale is a sale of tangible personal property and is subject to sales tax.

Dated: 9 October 1995

Don Trimble  
Assistant Commissioner for Sales & Special Taxes

## Department of Revenue

### Revenue Notice #95-09: Sales & Use Tax: Building, Cleaning, and Maintenance Services

*Minnesota Statutes*, section 297A.01, subd. 3 (j)(iii) imposes a sales tax on buildings and residential cleaning, maintenance, and disinfecting and exterminating services. Included in the definition of building and residential cleaning services are building and residential cleaning services sold to contractors and used by the contractor to complete a construction contract involving the construction, reconstruction, or remodeling of a building or residence.

Dated: 9 October 1995

Patricia A. Lien  
Assistant Commissioner for Tax Policy

# Official Notices

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Pursuant to the provisions of Minnesota Statutes §14.101, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

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## Department of Agriculture

### Rural Finance Authority

#### Request for Comments: Planned Rule Governing the Agricultural Development Bond Beginning Farmer Program

The Rural Finance Authority requests comments on its planned rule governing the Agricultural Development Bond Beginning Farmer Loan Program. The Authority is considering a rule that will define and provide for the administration of the program. This includes stipulating eligible loan transactions, loan documentation and loan servicing. Application procedures are detailed and the steps to be taken to create a tax exempt bond are outlined. Application fee, volume cap allocation charge and origination fee are addressed.

The rule would likely affect beginning farmers wishing to purchase agricultural land, agricultural improvements and depreciable agricultural property as well as lenders or sellers of those agricultural items who wish to provide financing for the purchase of said agricultural items. The Authority does not contemplate appointing an advisory committee to comment on the planned rule.

*Minnesota Statutes*, section 41C.13 authorizes the Authority to adopt rules for the efficient administration of this chapter, which includes the agricultural development bond beginning farmer program.

Interested persons or groups may submit comments or information on this planned rule in writing or orally until 4:30 p.m. December 4, 1995. The Authority has prepared a draft of the planned rule. Written comments, questions and requests for more information on this planned rule should be addressed to Wayne Marzolf, 90 W. Plato Blvd., St. Paul, MN 55107; phone: 612-296-1748; fax: 612-296-9388. Comments submitted in response to this notice will not be included in the formal rulemaking record when a proceeding to adopt a rule is started.

Dated: 29 September 1995

Jim Boerboom, RFA Executive Director

## Department of Agriculture

### Rural Finance Authority

#### Request for Comments: Planned Rule Governing Beginning Farmer Loans

The Rural Finance Authority requests comments on its planned rule governing Beginning Farmer Loans. The Authority is considering a rule that will establish the criteria and procedures to be used in the basic beginning farmer loan participation program. The rule establishes borrower eligibility, lender eligibility and the application process to be followed. The rule also includes the bases for not accepting an application and the appeal process for those whose application is not accepted. Guidelines for loan closing, purchase of participation and loan management are included.

The rule would likely affect individuals or domestic family farm corporations, as defined in section 500.24, subdivision 2, who wish to purchase agricultural real estate and the lenders willing to provide financing to these persons. The Authority does not contemplate appointing an advisory committee to comment on the planned rule.

*Minnesota Statutes*, section 41B.07 authorizes the Authority to adopt rules for the efficient administration of sections 41B.01 to 41B.23, which includes the basic beginning farmer loan participation program.

Interested persons or groups may submit comments or information on this planned rule in writing or orally until 4:30 p.m. December 4, 1995. The Authority has prepared a draft of the planned rule. Written comments, questions and requests for more information on this planned rule should be addressed to Wayne Marzolf, 90 W. Plato Blvd., St. Paul, MN 55107; phone: 612-296-1748; fax: 612-296-9388. Comments submitted in response to this notice will not be included in the formal rulemaking record when a proceeding to adopt a rule is started.

Dated: 29 September 1995

Jim Boerboom, RFA Executive Director

## **Department of Agriculture**

### **Rural Finance Authority**

#### **Request for Comments: Planned Rule Governing Seller-Sponsored Loan Participation**

The Rural Finance Authority requests comments on its planned rule governing Seller-Sponsored Loan Participation. The Authority is considering a rule that will establish the criteria and procedures to be used in the administration of the program. The rule establishes borrower eligibility, lender eligibility, seller eligibility and the application process to be followed. The rule also includes the bases for not accepting an application and the appeal process for those whose application is not accepted. Guidelines for loan closing, purchase of participation and loan management are included.

The rule would likely affect individuals or domestic family farm corporations, as defined in section 500.24, subdivision 2, who wish to purchase agricultural real estate and the lenders and sellers willing to provide financing needed by these persons. The Authority does not contemplate appointing an advisory committee to comment on the planned rule.

*Minnesota Statutes*, section 41B.07 authorizes the Authority to adopt rules for the efficient administration of sections 41B.01 to 41B.23, which includes the seller-sponsored loan participation program.

Interested persons or groups may submit comments or information on this planned rule in writing or orally until 4:30 p.m. December 4, 1995. The Authority has prepared a draft of the planned rule. Written comments, questions and requests for more information on this planned rule should be addressed to Wayne Marzolf, 90 W. Plato Blvd., St. Paul, MN 55107; phone: 612-296-1748; fax: 612-296-9388. Comments submitted in response to this notice will **not** be included in the formal rulemaking record when a proceeding to adopt a rule is started.

Dated: 29 September 1995

Jim Boerboom, RFA Executive Director

## **Department of Agriculture**

### **Rural Finance Authority**

#### **Request for Comments: Planned Rule Governing Value-Added Agricultural Product ("Stock") Loan Program**

The Rural Finance Authority requests comments on its planned rule governing Value-Added Agricultural Product ("Stock") Loan Program. The Authority is considering a rule that will define and provide for the administration of the program. The rule establishes borrower eligibility, lender eligibility and the application process to be followed. The rules also includes the criteria the RFA will follow in accepting applications and the appeal process for those whose application is not accepted. Guidelines for loan closing, purchase of participation and loan management are included.

The rule would likely affect producers of agricultural commodities wishing to purchase stock in an agricultural product facility and the lenders willing to provide financing for the purchase of said stock. The Authority does not contemplate appointing an advisory committee to comment on the planned rule.

*Minnesota Statutes*, section 41B.046, subdivision 6 authorizes the Authority to adopt rules for the administration of the program.

Interested persons or groups may submit comments or information on this planned rule in writing or orally until 4:30 p.m. December 4, 1995. The Authority has prepared a draft of the planned rule. Written comments, questions and requests for more information on this planned rule should be addressed to Wayne Marzolf, 90 W. Plato Blvd., St. Paul, MN 55107; phone: 612-296-1748; fax: 612-296-9388. Comments submitted in response to this notice will **not** be included in the formal rulemaking record when a proceeding to adopt a rule is started.

Dated: 29 September 1995

Jim Boerboom, RFA Executive Director

## Department of Agriculture

### Rural Finance Authority

#### Request for Comments: Planned Rule Governing the Ethanol Production Facility Loan Program

The Rural Finance Authority requests comments on its planned rule governing the Ethanol Production Facility Loan Program. The Authority is considering a rule that will define and provide for the administration of the program. The rule will stipulate the information and documentation that must be included in an application and will specify what must be included in a comprehensive business plan that is part of the required application documentation. Application processing is outlined and fees established. Procedures to follow if the financial assistance is in the form of participation with a lender are also included.

The rule would likely affect individuals and legal entities needing financial assistance for the purchase or construction of ethanol production facilities. The Authority does not contemplate appointing an advisory committee to comment on the planned rule.

*Minnesota Statutes*, section 41B.044, subdivision 1 authorizes the Authority to adopt rules for an ethanol production facility loan program to provide capital for ethanol production facilities.

Interested persons or groups may submit comments or information on this planned rule in writing or orally until 4:30 p.m. December 4, 1995. The Authority has prepared a draft of the planned rule. Written comments, questions and requests for more information on this planned rule should be addressed to Wayne Marzolf, 90 W. Plato Blvd., St. Paul, MN 55107; phone: 612-296-1748; fax: 612-296-9388. Comments submitted in response to this notice will not be included in the formal rulemaking record when a proceeding to adopt a rule is started.

Dated: 29 September 1995

Jim Boerboom, RFA Executive Director

## Department of Agriculture

### Rural Finance Authority

#### Request for Comments: Planned Rule Governing Livestock Expansion Loan Program

The Rural Finance Authority requests comments on its planned rule governing Livestock Expansion Loan Program. The Authority is considering a rule that will establish the criteria and procedures to be used in the administration of the program. The rule establishes borrower eligibility, lender eligibility and the application process to be followed. The rule also includes the bases for not accepting an application and the appeal process for those whose application is not accepted. Guidelines for loan closing, purchase of participation and loan management are included.

The rule would likely affect individuals or domestic family farm corporations, as defined in section 500.24, subdivision 2, who wish to complete a livestock expansion as defined in 41B.02, subd. 10a, and the lenders willing to provide financing needed by these persons. The Authority does not contemplate appointing an advisory committee to comment on the planned rule.

*Minnesota Statutes*, section 41B.07 authorizes the Authority to adopt rules for the efficient administration of sections 41B.01 to 41B.23, which includes the livestock expansion loan program.

Interested persons or groups may submit comments or information on this planned rule in writing or orally until 4:30 p.m. December 4, 1995. The Authority has prepared a draft of the planned rule. Written comments, questions and requests for more information on this planned rule should be addressed to Wayne Marzolf, 90 W. Plato Blvd., St. Paul, MN 55107; phone: 612-296-1748; fax: 612-296-9388. Comments submitted in response to this notice will not be included in the formal rulemaking record when a proceeding to adopt a rule is started.

Dated: 29 September 1995

Jim Boerboom, RFA Executive Director

## **Department of Agriculture**

### **Rural Finance Authority**

#### **Request for Comments: Planned Rule Governing Restructure II Program**

The Rural Finance Authority requests comments on its planned rule governing the Restructure II Program. The Authority is considering a rule that will establish the criteria and procedures to be used in the administration of the program. The rule establishes borrower eligibility, lender eligibility and the application process to be followed. The rule also includes the bases for not accepting an application and the appeal process for those whose application is not accepted. Guidelines for loan closing, purchase of participation and loan management are included.

The rule would likely affect individuals or domestic family farm corporations, as defined in section 500.24, subdivision 2, who wish to restructure their agricultural debt and the lenders willing to provide financing needed by these persons. The Authority does not contemplate appointing an advisory committee to comment on the planned rule.

*Minnesota Statutes*, section 41B.07 authorizes the Authority to adopt rules for the efficient administration of sections 41B.01 to 41B.23, which includes the loan restructuring program.

Interested persons or groups may submit comments or information on this planned rule in writing or orally until 4:30 p.m. December 4, 1995. The Authority has prepared a draft of the planned rule. Written comments, questions and requests for more information on this planned rule should be addressed to Wayne Marzolf, 90 W. Plato Blvd., St. Paul, MN 55107; phone: 612-296-1748; fax: 612-296-9388. Comments submitted in response to this notice will **not** be included in the formal rulemaking record when a proceeding to adopt a rule is started.

Dated: 29 September 1995

Jim Boerboom, RFA Executive Director

## **Department of Agriculture**

### **Rural Finance Authority**

#### **Request for Comments: Planned Rule Governing Agricultural Improvement Loan Program**

The Rural Finance Authority requests comments on its planned rule governing Agricultural Improvement Loan Program. The Authority is considering a rule that will establish the criteria and procedures to be used in the administration of the program. The rule establishes borrower eligibility and the application process to be followed for both direct loans and loan participations and lender eligibility for loan participations. The rule also includes the bases for not accepting an application and the appeal process for those whose application is not accepted. Guidelines for loan closing, purchase of participation and loan management are included.

The rule would likely affect individuals or domestic family farm corporations, as defined in section 500.24, subdivision 2, who wish to make agricultural improvements as defined in section 41B.02, subd. 19, and the lenders willing to provide financing needed by these persons. The Authority does not contemplate appointing an advisory committee to comment on the planned rule.

*Minnesota Statutes*, section 41B.07 authorizes the Authority to adopt rules for the efficient administration of sections 41B.01 to 41B.23, which includes the agricultural improvement loan program.

Interested persons or groups may submit comments or information on this planned rule in writing or orally until 4:30 p.m. December 4, 1995. The Authority has prepared a draft of the planned rule. Written comments, questions and requests for more information on this planned rule should be addressed to Wayne Marzolf, 90 W. Plato Blvd., St. Paul, MN 55107; phone: 612-296-1748; fax: 612-296-9388. Comments submitted in response to this notice will **not** be included in the formal rulemaking record when a proceeding to adopt a rule is started.

Dated: 29 September 1995

Jim Boerboom, RFA Executive Director

## Official Notices

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### Department of Agriculture

#### Rural Finance Authority

#### Request for Comments: Planned Rule Governing the Agricultural Business Enterprise Loans

The Rural Finance Authority requests comments on its planned rule governing the Agricultural Business Enterprise Loans. The Authority is considering a rule that will define and provide for the administration of the program. This includes stipulating eligible loan transactions, loan documentation and loan servicing. Application procedures are detailed and the steps to be taken to create a tax exempt bond are outlined. Application fee, volume cap allocation charge and origination fee are addressed.

The rule would likely affect small businesses wishing to begin or expand an agricultural business activity and lenders who may be interested in providing the financing. The Authority does not contemplate appointing an advisory committee to comment on the planned rule.

*Minnesota Statutes*, section 41C.13 authorizes the Authority to adopt rules for the efficient administration of this chapter, which includes the agricultural business enterprise loan program.

Interested persons or groups may submit comments or information on this planned rule in writing or orally until 4:30 p.m. December 4, 1995. The Authority has prepared a draft of the planned rule. Written comments, questions and requests for more information on this planned rule should be addressed to Wayne Marzolf, 90 W. Plato Blvd., St. Paul, MN 55107; phone: 612-296-1748; fax: 612-296-9388. Comments submitted in response to this notice will not be included in the formal rulemaking record when a proceeding to adopt a rule is started.

Dated: 29 September 1995

Jim Boerboom, RFA Executive Director

### Board of Chiropractic Examiners

#### Notice of Solicitation of Outside Information or Opinions Regarding Miscellaneous Amendments to *Minnesota Rules* Chapter 2500

**NOTICE IS HEREBY GIVEN** that the Minnesota Board of Chiropractic Examiners (MBCE) is seeking information or opinions from sources outside the agency in preparing to amend rules governing 1) increasing the peer review fee, and 2) qualifications for an intern's participation in the Graduate Preceptorship Program. The amendment of these rules is authorized by *Minnesota Statutes*, section 148.08, which permits the agency to promulgate rules in order to administer sections 148.01 to 148.105. Groups and individuals who are likely to be affected by these rules are Minnesota licensed chiropractors, graduates of chiropractic colleges waiting to take the licensing examination and requestors of reviews by the MBCE's Peer Review Committee.

Interested persons or groups may submit data or views on the subject matter of concern in writing. Written statements should be addressed to: Rules Committee, MBCE, 2700 University Avenue West, Suite 20, St. Paul, MN 55114-1089. Written comments on the possible revisions will be accepted until further notice or until a Notice of Intent to Adopt or a Notice of Hearing is published in the *State Register*. Any written material received by the MBCE shall become part of the rulemaking record to be submitted to the office of administrative hearing in the event that the amendments are adopted.

Drafts of all proposed rules will automatically be sent to any persons who have requested in writing that their name be included on the MBCE rulemaking mailing list. Drafts of proposed rules will be mailed prior to the publication in the *State Register* of the Notice of Intent to Adopt or Notice of Hearing.

Dated: 28 September 1995

Larry A. Spicer, D.C.  
Executive Director

## Department of Health

### Interagency Long Term Care Planning Committee

#### Request for Nominations for Advisory Review Panel

The Interagency Long Term Care Planning Committee (INTERCOM) is requesting nominations to the Advisory Review Panel for reviewing proposals for exceptions to the Nursing Home Moratorium Law (*Minnesota Statutes*, § 144A.071). A member of the advisory review panel must be nominated. Anyone can nominate an advisory review panel member.

According to *Minnesota Rules*, Part 4655.1074, subdivision 2, the advisory review panel must consist of five members:

- two representatives from organizations that represent consumers of nursing home services;
- two representatives from organizations representing providers of nursing home services; and
- one who has a background in long term care and either accounting, engineering, building construction, or design.

A nomination must be submitted in writing, and must state the name and address of the nominee, must include a description of the nominee's professional experience and training, and must state the positions for which the person is being nominated, as listed in the above paragraph. A nominee shall be appointed by a majority vote of the INTERCOM.

A term on the advisory review panel begins the first working day after the vote of the INTERCOM appointing a person to the panel. An advisory review panel member representing consumers and one representing providers shall serve two years on the panel. The remaining consumer and provider members shall serve three-year terms. The member with the background in long term care and either accounting, engineering, building construction, or design shall serve a three-year term. An advisory review panel member may serve two consecutive terms.

Questions on the nomination process may be directed to Mary Cahill or Maggie Friend, Minnesota Department of Health, Facility and Provider Compliance Division, P.O. Box 64900, St. Paul, Minnesota 55164-0900, or at 612/643-2100.

Nominations must be submitted by 4:30 p.m. on Thursday, November 30, 1995 to:

Linda Sutherland  
Minnesota Department of Health  
Facility and Provider Compliance Division  
393 North Dunlap Street  
P.O. Box 64900  
Saint Paul, Minnesota 55164-0900

## Department of Health

### Interagency Long Term Care Planning Committee

#### Request for Proposals for Exceptions to the Nursing Home Moratorium

##### Purpose

The Interagency Long Term Care Planning Committee (INTERCOM) is accepting proposals from nursing homes and boarding care homes requesting an exception to the nursing home moratorium. The Commissioner of Health, in coordination with the Commissioner of Human Services, may approve such requests under conditions listed in *Minnesota Statutes*, §144A.073. These conditions refer to four categories of exceptions which are defined as:

- (a) "Conversion" means the relocation of a nursing home bed from a nursing home to an attached hospital.
- (b) "Relocation" means the movement of licensed nursing home beds or certified boarding care beds as permitted by state statute to promote equitable access across the state or to move the beds to another site.
- (c) "Renovation" means extensive remodeling of, or construction of an addition to, a facility on an existing site with a total cost exceeding ten percent of the appraised value of the facility or \$200,000, whichever is less.

(NOTE: *Minnesota Statutes*, § 144A.071 allows projects with costs *less than* \$500,000 plus an annual inflation adjustment OR 25% of the facility's appraised value to proceed without applying for an exception under this process.)

## Official Notices

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- (d) "Replacement" means the demolition, delicensure, reconstruction, or construction of an addition to all or part of an existing facility.
- (e) "Upgrading" means a change in the level of licensure of a bed from a boarding care bed to a nursing home bed in a certified boarding care facility.

### Administrative Rules

Proposed rules governing procedures for exceptions to the nursing home bed moratorium were published in the May 25, 1995 *State Register*, and notice of their adoption was published in the *State Register* on August 21, 1995. They became effective August 28, 1995.

### Appropriation Available

The amount of the legislative appropriation available for the total additional costs to the medical assistance program for this RFP is \$200,000.

### Eligibility

A proposal for an exception to the moratorium may be submitted by an organization or individual authorized by a facility's governing board or management to prepare and submit a proposal to INTERCOM.

### Method for estimating proposal cost

The method that INTERCOM will use in evaluating proposals for approval or disapproval for estimating the cost of a proposal will be as follows:

#### Replacement, remodeling proposals - No beds transferred

- Method for estimating Proposal Cost:
  - Use Rule 50 methodology for rate setting and reasonableness principles as in past Moratorium rounds.
- For Property, the proposer shall:
  - Estimate construction cost of project
  - Determine amount to be financed with debt versus equity
  - Use interest rate as provided in *Minnesota Statutes*, §144A.071, subdivision 5a.
  - Determine term of debt
  - Indicate single bed room election and change number of single bed rooms
- For Operating, the proposer shall:
  - Project cost increases for purposes of estimating the cost impact of the proposal.
  - If operating cost savings are projected, the Department of Human Services (DHS) will evaluate the estimates for reasonableness. DHS will also monitor and evaluate the projects implementation to determine whether projected savings are realized and use information in rule making or future requests for proposals.

#### Bed Transfer Proposals

- Projections of property costs - see above
  - Also:
    - Property rate at transferring facility adjusts for de-licensure of beds. The proposer must indicate intention for:
      - Assigning cost to single bed room election subject to change upon projection and indicate change in number of single beds at either location.
      - Note: Aggregate investment per bed limit applies as in *Minnesota Statutes*, §256B.431, subdivision 3a, paragraph (d);
    - Occupancy incentive - Possible cost impact to be evaluated:
      - If low occupancy, below 95% property cost not reimbursement may get reimbursed after the transfer.
      - If below occupancy 93% occupancy, Leave Days will be reimbursed if above 93% after the transfer.
- For proposals to transfer beds from one (or more) facilities to an existing facility, whether or not that facility is located in the same geographic group:

- Operating cost/savings projections on a line item basis will not be permitted at either the transferring or receiving facility. Any cost changes will assume to be "a wash" between the facilities.
- Also, the estimated operating cost increase at the receiving facility shall be determined as shown in the example that follows:

# of beds added		13
# days in year	x	365
% Occupancy at receiving facility	x	97.0%
% Medical Assistance Occupancy Rate at the receiving facility	x	62.1%
Weighted Average Operating Rate	x	<u>\$89.25</u>
		\$255,098

- For proposals to transfer beds from one (or more) facilities to a new facility, whether or not that facility is located in the same geographic group:
  - *Minnesota Rules*, Part 9549.0075 (Rule 50) interim/settle-up rate procedures will apply upon project completion, however, for purposes of estimating proposal operating costs, the estimates must use the reimbursement limits appropriate to the geographic group and facility type.
- Community Alternative Savings Estimates
  - No savings estimates can be made relating to the admissions to the beds transferred to the new location.
  - No savings estimates can be made if a facility's licensed but non-Medical Assistance (MA) certified beds are transferred.
  - If the transferring facility's occupancy during the most recent desk audited cost report year is at or above 98%, the facility will be considered fully occupied.
  - If the transferring facility's occupancy is less than 98%, no savings can be estimated for the number of beds transferred, except that if the number of beds to be transferred exceeds [(One minus Facility's % Occupancy) X the number of licensed beds before the transfer] then that excess may be used in the estimation of cost/savings.
  - Cost/Savings attributable to transfers to another nursing home to determined from the difference in Case Mix "A" rates for the transferring facility as compared with the Geographic Groups average for that facility type.
  - Savings attributable to transfers to Community Alternatives shall be determined at 50% of the transferring facility's Case Mix "A" rate. **The proposer must indicate their ability and probability of transferring "displaced" residents to community alternatives beyond its current community discharge levels. (Use most recent Quarter's information).** For purposes of estimating savings from such transfers, the maximum number of resident transfers to community alternatives permitted will be 60% of the transferring facility's percent of case mix "A" residents (days).
  - MA cost/savings will be factored by the facility's MA Occupancy percentage.

**Criteria for Review**

The following criteria shall be used in a consistent manner, equally weighed, to compare, evaluate, and rank all proposals submitted:

- 1) the extent to which the proposal furthers state long-term care goals designed to maximize independence of the older adult population, and to ensure cost-effective use of financial and human resources;
- 2) the cost effectiveness of the proposal;
- 3) the extent to which the proposal promotes equitable access to long term care services in nursing homes across the state;
- 4) the extent to which the proposal improves the health and safety of residents;
- 5) the extent to which the proposal promotes the comfort or quality of life of residents;
- 6) the extent to which the applicant demonstrates a history of quality care provided in the facility; and
- 7) the extent to which the project reduces the need for waivers from regulations.

## Official Notices

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### **Procedure for Receiving Application Materials**

The complete request for proposals, including instructions, format and necessary forms, is available upon written or facsimile request to :

Pat Robertson  
Minnesota Department of Health  
Facility and Provider Compliance Division  
P.O. Box 64900  
393 North Dunlap Street  
St. Paul, MN 55164-0900  
Fax # (612) 643-2593

### **Review and approval of proposals**

INTERCOM shall appoint an advisory review panel composed of representatives of consumers and providers to review proposals and provide comments and recommendations to INTERCOM. INTERCOM must submit recommendations no later than March 7, 1996. The commissioner of health must approve or disapprove a project within 30 days after receiving the committee's recommendations, or no later than April 6, 1996. The commissioner of health must send a written notice of approval or disapproval to the proposer no later than April 16, 1996.

### **Questions Concerning the RFP**

Any questions relating to the RFP process may be submitted by prospective applicants in writing to Linda Sutherland (see address below). **NO ANSWERS WILL BE PROVIDED IN RESPONSE TO PHONE CALLS.** Each question must cite the particular RFP page to which it refers. Copies of all questions and their answers will be provided to all prospective applicants who have requested Application materials. Only responses in writing by Linda Sutherland will be considered official. Responses to questions will be mailed October 30, November 21, and December 20, 1995. The closing date for the receipt of questions will be 4:30 p.m., December 13, 1995.

Technical assistance in completing the RFP application forms is available from Care Providers of Minnesota at 612/854-2844, or Minnesota Association of Homes for the Aging, at 612/331-5571.

### **Procedures for Submitting Proposals**

No proposals submitted by facsimile machine will be accepted. Please submit 5 written copies of the completed proposal by **4:30 p.m., January 8, 1996:**

Linda Sutherland  
Minnesota Department of Health  
Facility and Provider Compliance Division  
P.O. Box 64900  
393 North Dunlap Street  
St. Paul, MN 55164-0900

## Minnesota Health Care Commission

### Health Technology Advisory Committee

#### Notice of: 1) Availability of Preliminary Electronic Fetal Monitoring Report; 2) Solicitation of Written Comments; and 3) Public Hearing Date

The Health Technology Advisory Committee (HTAC) of the Minnesota Health Care Commission has completed its preliminary report on the evaluation of electronic fetal monitoring versus intermittent auscultation for monitoring fetal heart rate during labor.

Any interested individuals or organizations may submit written comments regarding the technology evaluation report within 30 days from the publication of this notice to Mary Fahey at:

121 East 7th Place, Suite 400  
P.O. Box 64975  
St. Paul, MN 55164-0975  
Fax: 612.282.5628

Any questions regarding the technology evaluation process should be directed to Mary Fahey at 612.282.6355. A copy of the full preliminary report may be obtained by contacting the Minnesota Health Care Commission information line at 612.282.6374.

Public testimony on HTAC's evaluation of electronic fetal monitoring will be accepted by the Minnesota Health Care Commission on Wednesday, January 17, 1996, at 10:30 AM at:

Capitol View Conference Center  
70 West County Road B-2  
Little Canada, MN 55117

A presentation will precede public testimony and will begin at 9:30 AM.

Individuals interested in providing public testimony are asked to provide prior written or verbal notice to Mary Fahey by Friday, December 15, 1995, and to limit testimony to five minutes.

Any written material received by the Minnesota Health Care Commission shall be subject to the requirements of the Minnesota Data Practices Act (*Minnesota Statutes*, Section 13).

#### Electronic Fetal Monitoring Versus Intermittent Auscultation for Monitoring Fetal Heart Rate During Labor

##### Executive Summary

##### Conclusions

1. The use of EFM for detecting nonreassuring fetal status may trigger a cascade of care with its associated increased risks and costs. The effectiveness of this care for both mother and infant is in question.
2. The effectiveness of fetal monitoring for the prevention of perinatal death and long-term neurological disability has not been proven. However, some type of monitoring is important during labor.
3. Monitoring results must be interpreted in the face of multiple pathophysiological variables. Therefore, standardization of fetal monitor strip interpretation is not possible.
4. There are inconsistent data to indicate that increased instrumented or surgical delivery occurring by using EFM versus IA improves perinatal outcome.
5. The optimal strategy of maternal and fetal surveillance during labor and delivery has yet to be determined.
6. One of the driving forces behind the use of EFM as compared to IA is the fear of medical malpractice claims on the part of providers. What is occurring in the legal arena is more profoundly affecting the standard of care than what is presented in the scientific literature. The legal climate confirms these concerns.

##### Recommendations

- Alternatives to civil litigation should be explored for addressing medical malpractice claims. Initiatives of other states should be analyzed and, if indicated, should be initiated. Tort reform as it relates to the adjudication of medical malpractice cases and the impact of court decisions on medical practice is warranted.
- Cost effectiveness studies need to be conducted 1) comparing EFM to IA, specifically, whether the reduction in costs associated with interventions would be offset by the increase in personnel costs and 2) measuring the impact of medical malpractice claims on cost and cost effectiveness.

## Official Notices

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### Other Issues and Considerations

- Further well designed research studies exploring the indications for EFM versus IA, standardization of EFM interpretation, and exploration of the impact on health outcomes for interventions that follow EFM are warranted. With these data, cost-effectiveness of EFM versus IA can be addressed.
- Health care facilities and providers may want to reconsider the use of IA in place of EFM for low risk patients. They must also consider whether the reintroduction of IA will result in increased costs. It is unknown if the increase in personnel costs will be offset by a decrease in costs due to a reduction in interventions.

## Department of Human Services

### Health Care Purchasing Division

### Long Term Care Options Project

### Notice of Availability of Operational Protocol for the Long Term Care Options Project, a Primary, Acute and Long Term Care Managed Care Demonstration

The draft Operational Protocol for this 5-year demonstration project is now available. Revisions may be made following review by HCFA, but because of the high level of interest in this project, DHS is making this draft available to interested parties prior to the posting of the request for proposals, which will be announced later in the fall.

Please direct all inquiries and requests for copies to:

Pamela J. Parker  
Minnesota Department of Human Services  
Long Term Care Options Project  
444 Lafayette Road  
St. Paul, Minnesota 55155-3854  
Phone: (612) 296-2140

Dated: 2 October 1995

Pamela Parker  
Health Care Purchasing Division  
Department of Human Services

## Department of Labor and Industry

### Labor Standards Division

### Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective October 9, 1995 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

**Anoka:** MN Correctional Facility Lino Lakes ADA Accessibility Project-Lino Lakes.

**Blue Earth:** Asbestos Removal Phase 4 Armstrong Hall Mankato State-Mankato.

**Chisago:** North Branch Middle School Additions & Remodel-North Branch.

**Dakota:** Dakota County Parks Chemical Storage Building; Marine Education Center MEC 9501-Apple Valley.

**Hennepin:** East Fire Station City of Brooklyn Park-Brooklyn Park; Building Automation System Improvements Phase 5-Hennepin County.

**LeSueur:** Installation of Fire Alarm System LeSueur Henderson High School ISD 2397-LeSueur.

**Lyon:** Food Service West Expansion & Remodeling-Marshall.

**Nicollet:** New Rubber Gym Floor At St Peter High Security Addition-St Peter.

**Polk:** Polk County Up Front Separator Facility Equipment Provision-Fosston.

**Ramsey:** Riverfront School-St Paul; Como Elementary-St Paul; Stair & Elevator Addition to Linwood at Program-St Paul; 1996 Reroofing & Repairs U of M McNeal Hall-St Paul.

**St. Louis:** University Medical Center Mesabi-Hibbing.

**Stearns:** Boiler Replacement-St Cloud.

**Washington:** 1996 Mahtomedi Wildwood O.H. Anderson Middle & High Schools Additions & Alterations-Mahtomedi; Lake Elmo Park Reserve South Picnic Structure & Pine Point Park Comfort Station-Lake Elmo.

Copies of the certified wage rate for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

Gary W. Bastian, Commissioner

## Public Employees Retirement Association

### Board of Trustees, Notice of Meetings

A meeting of the Board of Trustees of the Public Employees Retirement Association (PERA) will be held on Thursday, October 12, 1995, at 9:30 a.m. in the offices of the association, 514 St. Peter Street, Suite 200, St. Paul, Minnesota.

A meeting of the Disability Task Force of the PERA Board of Trustees will be held on Wednesday, October 11, 1995, at 1:00 p.m. in the office of the association.

## Public Utilities Commission

### Notice of Intent to Solicit Outside Information and Opinion in Regard to a Rulemaking to Amend Rules Governing Contract Approval in Affiliated Interest Transactions, *Minnesota Rules*, Parts 7825.2100 and 7825.2200 Docket No. E, G-999/R-95-873

**NOTICE IS HEREBY GIVEN** that the Minnesota Public Utilities Commission is seeking information or opinions from outside sources in preparing to propose the amendment of rules governing Commission approval of contracts in affiliated interest transactions. The amendment is authorized by *Minnesota Statutes* § 216B.48, subdivision 3, which subjects utility affiliated interest transactions to Commission approval, and § 216B.08, which empowers the Commission to adopt rules on matters within its jurisdiction.

The rules being amended apply to gas and electric utilities operating in Minnesota and meeting the definition of public utility under *Minnesota Statutes* § 216B.02, subd. 4. That definition excludes, among others, cooperative utilities, municipal utilities, and small natural gas utilities franchised by local governments. The persons affected by this rulemaking will be the state's large, investor-owned gas and electric utilities and their affiliates.

Currently, *Minnesota Rules*, part 7825.2100 requires a utility to obtain Commission approval of transactions with affiliates before contracts or agreements are signed. The amendment would allow utilities to file signed contracts or agreements, as long as performance does not begin prior to Commission approval. The amendment would also remove the rule's jurisdictional threshold of \$10,000 or five percent of the utility's capital equity, whichever is less, allowing the statutory threshold, which is currently \$50,000 or five percent of capital equity, whichever is less, to control.

The Commission is considering editorial amendments to *Minnesota Rules*, part 7825.2200 to promote clarity. The Commission is also considering repealing the now-superfluous requirement to file pre-rule contracts with 30 days of the rule's effective date.

A draft of these amendments is attached.

The Commission requests information and opinions concerning the subject matter of the rules, including the issues listed above. Interested persons or groups may submit data or views in writing or orally. Written statements or comments should be directed to:

Carol Casebolt  
Minnesota Public Utilities Commission  
121 7th Place East  
Suite 350  
St. Paul, MN 55101-2147  
(612) 296-6029

## Official Notices

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Oral statements or comments will be received during regular business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday.

All statements of information and opinion should be received in the Commission's office by 4:30 p.m. on December 11, 1995. Any written materials received by the Commission pursuant to this notice shall become part of the rulemaking record in the event that the rule amendment is adopted.

Burl W. Haar  
Executive Secretary

### Attachment

#### Proposed Amendment to *Minnesota Rules*, Part 7825.2100

#### **7825.2100 COMMISSION APPROVAL OF CONTRACTS MODIFICATION.**

~~A public utility, prior to entering into a contract or agreement, or making any modifications or revisions to existing contracts or agreements with an affiliated interest, where the total consideration for such contract agreement is in excess of \$10,000 or five percent of the capital equity of the utility, whichever is less, shall petition for and receive approval from the commission by formal written order.~~

A public utility shall file for Commission approval under *Minnesota Statutes* § 216B.48, subd. 3 all contracts and agreements with affiliates and all modifications to contracts and agreements with affiliates. Performance under such contracts and agreements shall not begin prior to Commission approval. If performance has begun and the contract is disapproved.

~~Contracts or agreements requiring commission approval which are entered into after January 1, 1975, without commission approval shall be null and void. Upon determining a contract or agreement null and void, the commission may require any consideration received by the affiliated interest for such contract or agreement to be remitted to the public utility.~~

~~Filed information presented to the department shall be verified under oath by the president, a vice-president or secretary of the reporting public utility, and is effective as of the date of verification.~~

#### **7825.2200 FILING REQUIREMENTS FOR UTILITIES WITH AFFILIATED INTERESTS.**

~~Each utility shall file with the commission:~~

~~A. by April 1 of each year:~~

Subpart 1. List of Affiliates. By April 1 of each year each public utility shall file the following information:

- (+) A. (Retain existing text.)
- (2) B. (Retain existing text.)
- (3) C. (Retain existing text.)
- (4) D. (Retain existing text.)

~~B. Petitions for approval of affiliated interest contracts or agreements accompanied by the following:~~

Subp. 2. Contract Approval. B. Petitions for approval of affiliated interest agreements under *Minnesota Statutes*, section 216B.48, subdivision 3 must be accompanied by include:

- A. (+) a descriptive title of each contract or agreement;
- B. (2) a copy of the contract or agreement, or modifications or revisions of an existing contract or agreement;
- C. (3) a list and the past history of all contracts or agreements outstanding between the petitioner and affiliated interest . . . ;
- D. (4) a descriptive summary of the pertinent facts and reasons why such contract or agreement is in the public interest;
- E. (5) ~~competitive bidding:~~ (a) if invitations for sealed written public proposals for the furnishing of the service sought under the contract or agreement have been made, a summary of the terms of the proposals received, including the name of each bidder or representative of a bidding group; and as an exhibit to the petition, a copy of each proposal received;
- E. (b) if invitations for sealed written proposals have not been made in a competitive bidding process, an explanation of the decisions to that effect ~~will be submitted.~~

~~C. Within 30 days of the effective date of this part, a list of all contracts and agreements between the reporting public utility and all affiliated interests which were in effect prior to January 1, 1975, and which have continued beyond that date. Such list shall contain:~~

- ~~(1) a descriptive title of each contract or agreement;~~
- ~~(2) a copy of the contract or agreement and all amendments thereto;~~
- ~~(3) the date of the original contract, all amendments thereto, and the termination date;~~
- ~~(4) if the contract or agreement is unwritten, a descriptive summary providing the information in subitems (2) and (3); and~~
- ~~(5) the original or verified summary of the cost records and the amount of consideration received by the affiliated interest.~~

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**State Grants**

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

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## Board on Aging

### Notice of Request for Proposals for Regional Ombudsman Offices for Older Minnesotans

The Minnesota Board on Aging operates the Office of Ombudsman for Older Minnesotans pursuant to *Minnesota Statutes* 256.974. The Office of Ombudsman for Older Minnesotans receives and acts on complaints made by nursing home residents, acute care patients, inhome service recipients or their representatives.

The MBA is currently seeking proposals from public or private nonprofit agencies interested in sponsoring a regional office to provide ombudsman services.

The applicant may not be an agency engaged in the provision of nursing home, hospital care or home care services either directly or by contract, or have the responsibility for planning, coordinating, funding or administering nursing home, hospital or home care services.

The Minnesota Board on Aging has designated the areas listed below as ombudsman services regions. The approximate amount of funding for each regional office for calendar year 1996 is also listed.

Regional Office	Counties	1996 Funding
Metropolitan	Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington	\$190,000
Central	Benton, Cass, Chisago, Crow Wing, Isanti, Kanabec, Mille Lacs, Morrison, Sherburne, Stearns, Todd, Wright	\$51,500
South Central	Blue Earth, Faribault, Freeborn, Le Sueur, Martin, Mower, Nicollet, Rice, Steele, Waseca, Watonwan	\$50,400

## State Grants

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Southeast	Dodge, Fillmore, Goodhue, Houston, Olmstead, Wabasha	\$41,200
Southwest	Brown, Cottonwood, Jackson, Lincoln, Lyon, Murray, Nobles, Pipestone, Redwood, Rock	\$39,100
West Central	Big Stone, Chippewa, Kandiyohi, Lac Qui Parle, McLeod, Meeker, Renville, Sibley, Swift, Yellow Medicine	\$32,400
Midwest	Becker, Clay, Douglas, Grant, Hubbard, Otter Tail, Pope, Stevens, Traverse, Wadena, Wilkin	\$31,900
Northwest	Beltrami, Clearwater, Kittson, Lake of the Woods, Mahnommen, Norman, Pennington, Polk, Red Lake, Roseau	\$29,800
Northeast	Aitkin, Carlton, Cook, Lake, Pine, St. Louis (southern area)	\$26,200
Iron Range	Itasca, Koochiching, St. Louis (northern area)	\$24,200

Proposals are due by 4:30 on Thursday, November 9, 1995. Further information and a copy of the grant application package is available from:

Diane Levitt  
Minnesota Board on Aging  
444 Lafayette Road  
St. Paul, Minnesota 55155-4843  
(800) 657-3591

## Housing Finance Agency

### Notice of Funds Available and Request for Proposals for Rental Assistance for Family Stabilization Program

The Minnesota Housing Finance Agency (MHFA) announces the availability of \$3,000,000 in rental assistance funds for the Rental Assistance for Family Stabilization (RAFS) Program. RAFS is available for assisting families with dependent children receiving public assistance (AFDC, MFIP, and Family General Assistance) that are participating in a certified self-sufficiency, education or job training program.

#### Location

The RAFS program is limited to counties in which the Section 8 existing fair market rents, as determined by HUD, are in the highest one-third of the average rents in the state.

#### Amount of Funds

\$3,000,000 in rental assistance. A maximum of \$250 per month per program participant in the 7 county metro area, excluding the cities of Hanover, Northfield, and New Prague, and a maximum of \$200 per month per program participant in greater Minnesota, including the cities of Hanover, Northfield, and New Prague. Administrative fee may not exceed \$40.00 per month per program participant. A one-time security deposit up to \$250 per program participant residing in the 7 county metro area, excluding the cities of Hanover, Northfield, and New Prague, and up to \$200 per program participant residing in greater Minnesota, including the cities of Hanover, Northfield, and New Prague, will be made available for security deposits.

**Type of Assistance**

Voucher or project-based.

**Term of Assistance**

A maximum of 36 months per program participant.

**Eligible Applicants**

Minnesota Self-sufficiency program administrators in partnership with non-profit and/or for-profit local Minnesota housing organizations.

**Eligible Unit**

A rental unit that is available in the community served by the local housing organization and meets federal Section 8 existing housing quality standards. Units shall have a self-contained kitchen, bathroom and living/sleeping areas.

**Eligible Projects (Project-based)**

Rental property that is made available by a self-sufficiency program and meets federal Section 8 existing housing quality standards. Units shall have a self-contained kitchen, bathroom and living/sleeping areas.

**Rent Limits**

Not to exceed the Section 8 existing fair market rents.

**Income Limits**

Gross family income of program participant is such that 30% of said income is less than the housing cost.

**Program Participant**

For initial eligibility, a family with at least one dependent child must be receiving public assistance (AFDC, MFIP, or Family General Assistance), be participating in a Minnesota self-sufficiency program, and not be receiving other rental assistance.

**Procedures**

Applicants should request application packets from the Agency. Write or call: Minnesota Housing Finance Agency, 400 Sibley Street, Suite 300, St. Paul, MN 55101, Attention: RAFS, Multifamily Division, (612) 296-9832.

**Deadline**

The original and one copy of the completed application should be received at the above address by 5:00 PM on Friday, December 15, 1995.

**Selection Process**

All complete proposals which meet the basic requirements and the selection criteria of the program and are received by the deadline will be considered. MHFA may request clarification of information after reviewing applications.

Final selections should be made by the MHFA Board on January 25, 1996. All applicants are notified of the selections.

## State Grants

### Disclaimer

This Request for Proposals (RFP) is subject to all applicable federal, state, and municipal laws, rules, and regulations. MHFA reserves the right to modify or withdraw this RFP at any time and is not able to reimburse any applicant for costs incurred in the preparation or submittal of applications.

The Minnesota Housing Finance Agency is an Equal Housing Opportunity and Equal Employment Agency.

### RENTAL ASSISTANCE FOR FAMILY STABILIZATION PROGRAM TOP ONE-THIRD ELIGIBLE COUNTIES IN MINNESOTA 1995

COUNTY	0BR	1BR	2BR	3BR	4BR	AVE. 2-4 BR
Altkin	251	325	434	544	608	529
Anoka	364	467	596	808	914	773
Beltrami	241	371	424	556	594	525
Benton	310	400	472	598	762	611
Blue Earth	304	368	458	587	746	597
Carver	364	467	596	808	914	773
Chisago	364	467	596	808	914	773
Clay	275	380	458	636	681	592
Crow Wing	222	302	403	504	633	513
Dakota	364	467	596	808	914	773
Goodhue	241	319	426	544	597	522
Hennepin	364	467	596	808	914	773
Houston	241	332	423	565	685	558
Isanti	364	467	596	808	914	773
Itasca	317	321	419	524	586	510
Koochiching	300	305	407	507	666	527
McLeod	234	320	426	531	595	517
Mille Lacs	264	289	384	535	630	516
Nicollet	310	332	443	586	621	550
Olmsted	286	399	521	723	811	685
Polk	285	340	446	616	687	583
Ramsey	364	467	596	808	914	773
Rice	260	355	473	591	663	576
Scott	364	467	596	808	914	773
Sherburne	364	467	596	808	914	773
St. Louis	244	328	421	561	654	545
Stearns	310	400	472	598	762	611
Washington	364	467	596	808	914	773
Wright	364	467	596	808	914	773

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# Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

In accordance with *Minnesota Rules Part 1230.1910*, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612)296-2600 or [TDD (612)297-5353 and ask for 296-2600].

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## Legislative Coordinating Commission

### Proposals Sought for Job Classification and Compensation Evaluation

The Legislative Coordinating Commission (LCC) of the Minnesota Legislature is requesting proposals to contract for an evaluation of its job classifications and compensation of employees under its jurisdiction. The LCC is seeking expert assistance to undertake a comprehensive review of its compensation system and policies. The Minnesota House of Representatives and the Minnesota Senate have created non-partisan joint agencies and commissions to serve specific functions. The LCC provides administrative support and oversight for these joint agencies and commissions.

It is estimated that the total cost of this contract will not exceed \$40,000. The deadline for receipt of proposals is 4:30 p.m., Friday, October 20, 1995. Copies of the RFP are available from:

Legislative Coordinating Commission  
Room 85, State Office Building  
100 Constitution Avenue  
St. Paul, MN 55155  
(612) 296-9002

## State Lottery

### Request for Bids for Promotional Merchandise

The Minnesota State Lottery will purchase a variety of promotional items for the purpose of marketing lottery games. Those items will be purchased under provisions of *Minnesota Statutes 349A.07* which states in part:

"The director shall utilize an open bid process and shall take into account the particularly sensitive nature of the state lottery and shall consider the competence, quality of product, experience, and timely performance of each potential vendor in order to promote and ensure security, honesty, fairness, and integrity and the operation and administration of the lottery."

Since time frames of these purchases will often be extremely constrained, the Lottery will establish a list of vendors willing to deliver specific items or groups of items. Invitations to bid on specific items will then be mailed to these vendors and responses mailed directly to the Lottery offices in Roseville.

Companies interested in being included on the Minnesota State Lottery vendor list for promotional merchandise should submit: business name, address, contact person, phone number, fax number, and brief description of your product line.

All responses should be sent to: Susie Kivi, Minnesota State Lottery, 2645 Long Lake Road, Roseville, Minnesota 55113. Vendors may request their names and product lines be added to the list at anytime.

## Professional, Technical & Consulting Contracts

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### Department of Natural Resources

#### Division of Parks and Recreation

#### Fort Snelling State Park and Afton State Park

#### Request for Proposal: Interpretive Exhibit Design and Development

The Department of Natural Resources, Division of Parks and Recreation requests proposals for interpretive exhibit design and fabrication for visitor centers at Afton State Park and at Fort Snelling State Park. The project time line is a June 30, 1996 completion for the Afton State Park exhibits and November 1, 1997 completion date for the Fort Snelling State Park project. The Fort Snelling project includes providing specifications for a visitor center building contract. The funding limit for both projects is \$310,000.00. This proposal does not obligate the agency to spend the estimated dollar amount.

A full RFP may be obtained by calling or writing the department contact:

Judy Thomson, Regional Naturalist  
1200 Warner Rd.  
St. Paul, MN 55106  
Phone: (612) 772-7996  
Fax: (612) 772-7977

Other department personnel are not allowed to discuss the Request for Proposal with anyone, including responders, before the proposal submission deadline.

Deadline for delivery of proposals is no later than 4:00 PM, November 17, 1995 to the Department of Natural Resources, Parks and Recreation, 1200 Warner Rd., St. Paul, MN, 55106.



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